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Via Electronic Filing

Jocelyn Boyd
Chief Clerk
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, SC 29211

Re: **Ecoplexus, Inc. vs. South Carolina Electric & Gas Company**
Docket No. 2019-130-E
Docket No. 2018-401-E

Dear Ms. Boyd:

South Carolina Electric & Gas Company ("**SCE&G**") respectfully submits this letter in response to a footnote contained in the Reply to SCE&G's Response in Opposition to Motion to Maintain Status Quo (the "**Reply**") submitted to the Public Service Commission of South Carolina (the "**Commission**") by Ecoplexus, Inc. ("**Ecoplexus**"). The Reply was filed in Docket No. 2019-130-E on April 29, 2019.

Footnote 13 of the Reply describes the inability of Ecoplexus to locate a specific citation included in SCE&G's Response in Opposition to Motion to Maintain Status Quo, filed on April 24, 2019 (the "**Response**"). In the Response, SCE&G cited specific pages of an order issued by the Federal Energy Regulatory Commission ("**FERC**") found in a Westlaw reporter rather than including the initial paragraph at which the order begins. SCE&G did not intend to impede counsel in locating this citation. The full citation reads as follows: *Midwest Indep. Transmission Sys. Operator, Inc.*, 143 FERC ¶ 61,114 (2013) (the "**Order**"). For convenience, the Order is attached hereto as **Attachment A**.

The two pages originally cited in the Response highlight the FERC's decision to uphold Midwest Independent Transmission System Operator, Inc.'s ("**MISO**") termination of an interconnection agreement where a developer missed a milestone payment.¹ The developer in the Order sought to have its interconnection agreement revised due to difficulties in timely meeting the milestones it negotiated with MISO.² In upholding the termination, the FERC noted that extending deadlines for milestone payments "may present harm to lower queued interconnection customers in the form of uncertainty, cascading restudies, and shifted costs

¹ See the Order at P 1.

² See the Order at P 27.

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necessitated if the project is removed from the queue at a later date.”³ The FERC also made clear that “[a]n interconnection customer’s difficulties in securing funding do not exempt it from meeting the obligations that it agreed to when it executed the [interconnection agreement].”⁴

Accordingly, SCE&G writes to make clear to Ecoplexus, as well as the Commission, the order to which the citation referred. However, if there are any other questions regarding this case, please feel free to contact the undersigned.

Sincerely,



J. Ashley Cooper

JAC
Attachment

³ *Id.*

⁴ *Id.*